



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

August 23, 1991

Genevieve G. Stubbs  
First Assistant General Counsel  
Office of the General Counsel  
Texas A&M University System  
300 System Administration Building  
College Station, Texas 77843-1116

OR91-385

Dear Ms. Stubbs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252- 17a, V.T.C.S. Your request was assigned ID# 13026.

You have received a request for "a copy of a report prepared for the university system and its regents by the firm of First Southwest Co. of Dallas concerning certain issues raised in relation to the system, the Texas A&M University System Research Technologies Corp. and a proposed \$40 million taxable bond issue." You claim that the only documentation possessed by the Texas A&M University System (TAMUS) that is responsive to the request is the short memorandum from Richard H. Litton dated July 11, 1991. You claim that the memorandum is excepted from disclosure by sections 3(a)(4) and 3(a)(11).

We have considered the exceptions you claimed, specifically sections 3(a)(4) and 3(a)(11), and have reviewed the document at issue. Previous open records decisions issued by this office resolve your request. Section 3(a)(11) excepts from required public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." Section 3(a)(11) excepts memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policy-making or deliberative process. Open Records Decision No. 464 (1987). Information that is speculative, specifies long range plans, or predicts possible future events may be classified as advice, opinion, or recommendation. Open Records Decision No. 419 (1984). The memorandum at issue here consists of advice, opinion, or recommendation. Accordingly, the memorandum may be withheld in its entirety under section

3(a)(11). Because we resolve this issue under section 3(a)(11), we need not address the applicability of section 3(a)(4) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-385.

Very truly yours,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/GK/lb

Ref.: ID# 13026, 13047, 13112, 13286

cc: Mr. John Racine  
Southwest Bureau Chief  
The Bond Buyer  
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